

FILED IN CHAMBERS

IN THE UNITED STATES DISTRICT COURT

AUG 02 2005

FOR THE NORTHERN DISTRICT OF GEORGIA

U.S. MAGISTRATE JUDGE
N.D. GEORGIA

ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

WANDA MORGAN TYLER

a/k/a Susan Oyler;
a/k/a Paulie Asbury;
a/k/a Stacey Ottenberg;
a/k/a Mildred Barre;

Defendant

CRIMINAL INDICTMENT

NO. 1:05-CR-315

(Superseding)

REDACTED

THE GRAND JURY CHARGES THAT:

COUNTS ONE THROUGH NINE
(Mail Fraud)

1. From in or about April, 2000, through on or about November 2001, in the Northern District of Georgia, the Defendant, WANDA MORGAN TYLER ("DEFENDANT TYLER"), a/k/a Susan Oyler, a/k/a Paulie Asbury, a/k/a Stacey Ottenberg, a/k/a Mildred Barre, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud the United States Department of Veterans Affairs (the "VA"), and others, and obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

BACKGROUND

2. At all times relevant to this Indictment:

a. The VA Lendee Vender Program was a program by which the VA sold various properties to the general public, and offered direct

financing for those transactions. The VA acquired the properties subject to the VA Lender Program by way of foreclosure, in cases where veterans defaulted on VA-guaranteed mortgages.

b. To purchase a particular property through the VA Lendee Vender Program, a purchaser or a purchaser's real estate agent first submitted a bid to the VA. The VA then instructed the high bidder to contact a VA-approved mortgage servicing company. The mortgage company was responsible for gathering and submitting credit-related financial information about the purchaser to the VA, including wage and bank statements. Based on these documents, VA officials ultimately determined whether the purchaser's credit-worthiness was sufficient. If so, the VA approved the bid and, for transaction within the state of Georgia, delegated to the real estate agent the task of conducting the closing. The real estate agent then received a commission from the VA based on the sale.

c. DEFENDANT TYLER was a real estate agent operating in the Atlanta, Georgia area. She conducted transactions under the VA Lendee Vender Program and received commission payments from the VA. From time to time she operated under the business name Atlanta's Best Realty ("ABR"), using either the address 5805 States Bridge Road, Duluth Georgia, or 1007 Baytree Lane, Duluth, Georgia. From time to time she also operated under the business name Atlanta Mortgage Brokers ("AMB"), using a business mail drop address of 6855 Jimmy Carter Boulevard, Norcross, Georgia. DEFENDANT TYLER

also did business under the name New Orleans Metro Realty, based in Gretna, Louisiana. During some of the relevant period, DEFENDANT TYLER lived at 100 West Meadows Court, Alpharetta, Georgia

d. DEFENDANT TYLER maintained a bank account at Bank Of America, in College Park, Georgia, account number xxxxxxxx1588, under the name "World USA, dba Atlanta's Best Realty." She maintained a bank account at Regions Bank, New Orleans, Louisiana, account number xxxxxxxx9297, under the name "World USA, dba New Orleans Metro Realty." DEFENDANT TYLER deposited commissions from the VA, which she received by U.S. mail, into both of these accounts.

THE DEFENDANT'S SCHEME TO DEFRAUD

3. DEFENDANT TYLER'S scheme and artifice to defraud is more particularly described as follows:

a. The Defendant submitted bids to the VA on behalf of customers or purported customers, using the ABR business name. Instead of using a separate and independent mortgage servicing company to gather, assemble and submit credit-related financial information about a purchaser, the Defendant did that herself under the AMB business name.

b. The Defendant, under the AMB name, provided or caused to be provided material false credit-related information about purchasers to the VA, including, but not limited to, false information concerning the purchasers' employment, income, and

assets.

c. In some cases, DEFENDANT TYLER also provided or caused to be provided to the VA material false information about the identity of the actual purchaser of the property. Thus, to avoid scrutiny of certain prospective purchasers' credit problems, DEFENDANT TYLER sometimes submitted applications in the name of a purchaser's child. In other cases, DEFENDANT TYLER submitted applications for properties for herself but under an assumed identity, including the identity "Paulie Asbury."

d. In dealing with her clients and with the VA, DEFENDANT TYLER from time to time assumed additional alternative, false, identities, including "Susan Oyler," "Stacey Ottenberg," "Susan Ottenberg," and "Mildred Barre."

THE DEFENDANT'S EXECUTION OF THE FRAUDULENT SCHEME

4. On or about the dates listed in Column B, in the Northern District of Georgia, the Defendant, WANDA MORGAN TYLER, a/k/a Susan Oyler, a/k/a Paulie Asbury, a/k/a Stacey Ottenberg, a/k/a Mildred Barre, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud, and to obtain money by means of false pretenses, did knowingly cause the VA to place in an authorized depository for mail matter, to be sent and delivered by the United States Postal Service, according to the direction thereon, the mail matter identified in Column F, each of which constituted a commission check for one or more fraudulent

transactions that the Defendant had procured:

A COUNT	B DATE	C PURCHASER AND PROPERTY TO WHICH MAILING RELATED	D NON-EXCLUSIVE LIST OF FALSE ITEMS	E AMOUNT OF COMMI- SSION CHECK	F COUNT
1	7/5/00	V.T., 5438 Brandon Ct., Stone Mountain, GA	Pay Stubs; W2 Statements	\$5,670	ABR 1007 Baytree, Duluth, GA ("ABR-BT")
2	7/11/00	A.J., 3650 Riveredge Ct., Decatur, GA	Pay Stubs; W2 Statements; Verification of Employment; Bank Statements; Financial Assets; Rental Verification	\$11,196	ABR-BT
3	11/28/00	T.M., 1255 Harwick Knoll, Marietta, GA	Pay Stubs; W2 Statements; Verification of Employment; Bank Statements; Rental Verification	\$10,194	ABR-BT
4	12/29/00	W.D., 4951 Ivey Rd, Acworth, GA	W2 Statements; Verification of Employment; Bank Statements; Rental Verification	\$9,096	ABR-BT
5	4/19/01	C.L., 4511 Lake Park Drive, Acworth, GA	W2 Statements; Verification of Employment; Bank Statements; Rental Verification	\$8,352	ABR-BT

A COUNT	B DATE	C PURCHASER AND PROPERTY TO WHICH MAILING RELATED	D NON-EXCLUSIVE LIST OF FALSE ITEMS	E AMOUNT OF COMMIS- SION CHECK	F COUNT
6	8/24/01	M.G., 3958 Wood Path Dr., Stone Mountain, GA	W2 Statements; Verification of Employment; Bank Statements; Rental Verification	\$6,693	ABR-BT
7	6/4/01	S.T., 2975 Forrest- side Ln., College Park, GA	W2 Statements; Verification of Employment; Bank Statements; Rental Verification	\$7,530	ABR-BT
8	7/18/01	P.A., 9010 Nesbitt Ferry Rd., Alpha- retta, GA	W2 Statements; Verification of Employment; Bank Statements; Rental Verification; Verification of Employment; Credit Reports; Identity of the Purchaser	\$4,464	ABR, 5805 States Bridge Rd, Duluth, GA ("ABR-SB")

A COUNT	B DATE	C PURCHASER AND PROPERTY TO WHICH MAILING RELATED	D NON-EXCLUSIVE LIST OF FALSE ITEMS	E AMOUNT OF COMMIS- SION CHECK	F COUNT
9	10/11/01	T.R., 3545 River Birch Tr., Decatur, GA and J.C., 4015 Rivermist Ct., Lithonia, GA	For T.R.: W2 Statements; Verification of Employment; Bank Statements; Rental Verification; Credit Reports For J.C.: W2 Statements; Verification of Employment; Bank Statements; Rental Verification; Credit Reports; Identity of the Purchaser	\$18,780	ABR-SB

All in violation of 18 U.S.C. § 1341.

Asset Forfeiture

1. The allegations of Counts One through Ten of this Indictment are realleged and incorporated by reference for the purpose of alleging forfeitures to the United States of America pursuant to the provisions of Title 18, United States Code, Section 982.

2. Upon conviction of the offenses alleged in Counts One through ten, DEFENDANT TYLER shall forfeit to the United States

all property, real or personal, tangible or intangible, involved in such offenses, and any property traceable to such property, pursuant to Title 18, United States Code, Section 982, including but not limited to:

a. A sum of money equal to \$81,975 in United States currency, representing the amount of proceeds obtained as a result of the offense, Title 18, United States Code, Section 1341;

3. The types of property which may be forfeited to satisfy the claim include, but are not limited to, the foregoing property, any property, real or personal, traceable to the foregoing property and any "substitute" property, as defined in Title 18, United States Code, Section 982(b), of a value equal to any and all assets identified specifically, which a) has or have been transferred, sold or deposited with a third party; b) which cannot be located by due diligence; c) which has or have been placed beyond the jurisdiction of this court; d) which has or have been substantially diminished in value, or e) which has or have been co-mingled with other property and cannot be divided without difficulty.

A TRUE BILL

FOREPERSON

DAVID E. NAHMIAS
UNITED STATES ATTORNEY

JUSTIN S. ANAND
ASSISTANT UNITED STATES
ATTORNEY
Georgia Bar No. 016116

600 U.S. Courthouse
75 Spring Street, S.W.
Atlanta, GA 30303
404/581-6000

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIAFILED IN CHAMBERS
U.S.D.C. Atlanta

JUL 05 2005

ATLANTA DIVISION

LUTHER D. THOMAS, Clerk
By: *J. Wade-Charles*
Deputy Clerk

UNITED STATES OF AMERICA

CRIMINAL INDICTMENT

NO. 1:05-CR-315

v.
WANDA MORGAN TYLER
a/k/a Susan Oyler;
a/k/a Stacy Ottenberg;
a/k/a Mildred Barre;

Defendant

THE GRAND JURY CHARGES THAT:

COUNTS ONE AND TWO
(Mail Fraud)

1. From in or about May, 2000, through on or about July 2000, in the Northern District of Georgia, the Defendant, WANDA MORGAN TYLER ("DEFENDANT TYLER"), a/k/a Susan Oyler, a/k/a Stacy Ottenberg, a/k/a Mildred Barre, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud the United States Department of Veterans Affairs (the "VA"), and others, and obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

BACKGROUND

2. At all times relevant to this Indictment:

a. The VA Vendee Financing Program was a program by which the VA sold various properties to the general public, and offered direct financing for those transactions. The VA acquired the

properties subject to the program by way of foreclosure, in cases where veterans defaulted on VA-guaranteed mortgages.

b. To purchase a particular property through the VA Vendee Financing Program, a purchaser or a purchaser's real estate agent first submitted a bid to the VA. The VA then instructed the high bidder to contact a VA-approved mortgage servicing company. The mortgage servicing company was responsible for gathering and submitting credit-related financial information about the purchaser to the VA, including wage and bank statements. Based on these documents, VA officials ultimately determined whether the purchaser's credit-worthiness was sufficient. If so, the VA approved the bid and, for transactions within the state of Georgia, delegated to the real estate agent the task of conducting the closing. The VA then paid the real estate agent a commission for the sale.

c. DEFENDANT TYLER was a real estate agent operating in the Atlanta, Georgia area. She conducted transactions under the VA Vendee Financing Program and received commission payments from the VA. From time to time she operated under the business name Atlanta's Best Realty ("ABR"), using either the address 5805 States Bridge Road, Duluth Georgia, or 1007 Baytree Lane, Duluth, Georgia. From time to time she also operated under the business name Atlanta Mortgage Brokers ("AMB"), using a business mail drop address of 6855 Jimmy Carter Boulevard, Norcross, Georgia. DEFENDANT TYLER

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d. DEFENDANT TYLER maintained a bank account at Bank of America, in College Park, Georgia, account number xxxxxxxxx1588, under the name "World USA, dba Atlanta's Best Realty." She maintained a bank account at Regions Bank, New Orleans, Louisiana, account number xxxxxxxxx9297, under the name "World USA, dba New Orleans Metro Realty." DEFENDANT TYLER deposited commissions from the VA, which she received by U.S. mail, into both of these accounts.

THE DEFENDANT'S SCHEME TO DEFRAUD

3. DEFENDANT TYLER'S scheme and artifice to defraud is more particularly described as follows:

a. The Defendant submitted bids to the VA on behalf of customers or purported customers, using the ABR business name. She typically submitted these bids under the alias "Susan Oyler." Instead of using a separate and independent mortgage servicing company to gather, assemble and submit credit-related financial information about a purchaser, the Defendant did that herself under the ABR business name, and the aliases "Stacy Ottenberg" or "Mildred Barre."

b. The Defendant, under the ABR name, provided or caused to be provided material false credit-related information about purchasers to the VA, including, but not limited to, false

information concerning the purchasers' employment, income, and assets. This information included falsified wage statements and bank records, which the Defendant created or caused to be created to make it seem that the purchaser had more income or assets than he or she really had.

THE DEFENDANT'S EXECUTION OF THE FRAUDULENT SCHEME

4. On or about the dates listed in Column B, in the Northern District of Georgia, the Defendant, WANDA MORGAN TYLER, a/k/a Susan Oyler, a/k/a Stacey Ottenberg, a/k/a Mildred Barre, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud, and to obtain money by means of false pretenses, did knowingly cause the VA to place in an authorized depository for mail matter, to be sent and delivered by the United States Postal Service, according to the direction thereon, the mail matter identified in Column F, each of which constituted a commission check for one or more fraudulent transactions that the Defendant had procured:

A	B	C	D	E	F
COUNT	DATE	PURCHASER AND PROPERTY TO WHICH MAILING RELATED	NON-EXCLUSIVE LIST OF FALSE ITEMS	AMOUNT OF COMMISSION	MAILED TO
1	7/5/00	V.T., 5438 Brandon Ct., Stone Mountain, GA	Pay Stubs; W2 Wage Statements	\$5,670	ABR 1007 Baytree Duluth, GA ("ABR-BT")
2	7/11/00	A.J., 3650 Riveredge Ct., Decatur, GA	Pay Stubs; W2 Wage Statements; Verification of Employment; Bank Statements; Financial Assets; Rental Verification	\$11,196	ABR-BT

All in violation of Title 18, United States Code, Section 1341.

A TRUE BILL

~~DAVID E. NAEMIAS~~
FOREPERSON

DAVID E. NAEMIAS
UNITED STATES ATTORNEY

~~JUSTIN S. ANAND~~
ASSISTANT UNITED STATES
ATTORNEY

Georgia Bar No. 016116
600 U.S. Courthouse
75 Spring Street, S.W.
Atlanta, GA 30303
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ATT^b A TRUE COPY
CERTIFIED THIS

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JUL - 6 2005

Luther D. Thomas, Clerk
B. W. - Shire
TOTAL P.07